



Order Filed on May 16, 2019 by  
Clerk U.S. Bankruptcy Court  
District of New Jersey

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

**Caption in Compliance with D.N.J. LBR 9004-2(c)**  
WILENTZ, GOLDMAN & SPITZER, P.A.  
90 Woodbridge Center Drive  
Suite 900, Box 10  
Woodbridge, New Jersey 07095-0958  
(732) 636-8000  
DAVID H. STEIN, ESQ.  
*Attorneys for Estate of Saul Fischer*

In re:

KELLY K. LALLY,

Debtor.

Chapter 13

Case No.: 19-13492 (JKS)

Hon. John K. Sherwood

Hearing Date: March 28, 2019, 10:00 A.M.

**ORDER GRANTING RELIEF FROM THE AUTOMATIC STAY PURSUANT  
TO 11 U.S.C. § 362(d), WAIVING THE FOURTEEN DAY STAY UNDER FED.  
R. BANKR. P. 4001 (a)(3) AND GRANTING PROSPECTIVE AND RELATED  
RELIEF**

The relief set forth on the following pages numbered two (2) through three (3) is hereby  
**ORDERED.**

**DATED: May 16, 2019**

A handwritten signature in cursive script, appearing to read "JK Sherwood", is written over a horizontal line.

Honorable John K. Sherwood  
United States Bankruptcy Court

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Debtor: Kelly K. Lally

Case No. : 19-13492 (JKS)

Caption of Order: Order Granting Relief from the Automatic Stay Pursuant to 11 U.S.C. § 362(d), Waiving the Fourteen Stay Under Fed.R.Bankr.P. 4001 (a)(3) and Granting Prospective and Related Relief

This matter having been brought before the Court upon the motion of the Estate of Saul Fischer (the “Movant”), by and through its counsel, Wilentz, Goldman & Spitzer, P.A., for an order granting relief from the automatic stay pursuant to 11 U.S.C. § 362(d), waiving the fourteen day stay under Fed.R.Bankr.P. 4001(a)(3) and granting prospective and related relief or, in the alternative, dismissing the bankruptcy case (the “Motion”); and it appearing to the Court that the filing of the petition by Kelly K. Lally (the “Debtor”) in this matter was filed in bad faith with respect to the real property commonly known as 3 Balsam Terrace, Sparta, New Jersey (Block 5047, Lot 1) (the “Property”); and it further appearing that all interested parties have been duly served; and the Court having considered all of the papers submitted in support of the Motion, together with all opposition submitted thereto (if any) and the arguments of counsel (if any); and for good cause shown, it is hereby

**ORDERED:**

1. The automatic stay afforded by 11 U.S.C. § 362 (a) be and hereby is vacated to permit Movant to continue its prosecution against the Debtor and against all other parties of the foreclosure action captioned Saul Fischer v. Kelly Lally et. als., filed under Docket No. F-035564-15 in the Superior Court of New Jersey, Chancery Division, Sussex County (the “Foreclosure Action”);

2. Movant may prosecute its claims against the Debtor and against the Property and may defend any claims brought or to be brought against it by the Debtor in the Foreclosure Action and in all other actions or proceedings;

3. This Order shall be binding upon the Debtor and upon any subsequently appointed trustee in this or any converted case;

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Debtor: Kelly K. Lally

Case No. : 19-13492 (JKS)

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4. In accordance with 11 U.S.C. § 362(d)(4), this Order may be recorded in compliance with applicable New Jersey laws governing notices of interests or liens in real property;

5. In accordance with 11 U.S.C. § 362(d)(4), any Federal, State, or local governmental unit or clerk that accepts notices of interest or liens in real property shall accept a certified or exemplified copy of this Order for indexing and recording;

6. In accordance with 11 U.S.C. § 362(d)(4), this Order shall provide prospective relief and shall be unaffected by any future bankruptcy filing by the Debtor or by any other person or entity with respect to the Property and this Order shall be binding in any other bankruptcy case purporting to affect the Property filed not later than two (2) years after the date of entry of this Order;

7. ~~This Order is effective immediately upon entry and the provisions of Fed. R. Bankr. P. 4001(a)(3) are hereby waived; and~~

8. Movant shall serve this Order upon the Debtor, counsel for Debtor, the Chapter 13 Trustee, the United States Trustee and upon any other party who entered an appearance on the within motion.

[END OF ORDER]

**Certificate of Notice Page 4 of 4**  
United States Bankruptcy Court  
District of New Jersey

In re:  
Kelly K. Lally  
Debtor

Case No. 19-13492-JKS  
Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 0312-2

User: admin  
Form ID: pdf903

Page 1 of 1  
Total Noticed: 1

Date Rcvd: May 16, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on May 18, 2019.

db +Kelly K. Lally, 54 Farmbrook Road, Sparta, NJ 07871-4015

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
NONE. TOTAL: 0

\*\*\*\*\* BYPASSED RECIPIENTS \*\*\*\*\*

NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: May 18, 2019

Signature: /s/Joseph Speetjens

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**CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on May 16, 2019 at the address(es) listed below:

Alexandra T. Garcia on behalf of Creditor Bayview Loan Servicing, LLC, a Delaware Limited Liability Company NJECFMAIL@mwclaw.com, nj-ecfmail@ecf.courtdrive.com  
Angelo J. Bolcato on behalf of Creditor Township of Sparta lcr@lcrllaw.com  
David H. Stein on behalf of Unknown Role Type Estate of Saul Fischer dstein@wilentz.com, ciarkowski@wilentz.com  
Marie-Ann Greenberg magecf@magtrustee.com  
Meredith I. Friedman on behalf of Unknown Role Type Estate of Saul Fischer mfriedman@wilentz.com, ciarkowski@wilentz.com  
Rebecca Ann Solarz on behalf of Creditor BAYVIEW LOAN SERVICING, LLC, A DELAWARE LIMITED LIABILITY COMPANY rsolarz@kmlawgroup.com  
Stephen B. McNally on behalf of Debtor Kelly K. Lally steve@mcnallylawllc.com, jennifer@mcnallylawllc.com; b.sr70072@notify.bestcase.com  
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 8